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 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

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 EDWARD B. EVANS 1936-1971

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DATE: July 9, 2003

RE: Serial No. 10/677,981; Filed: October 3, 2000; For: Implantable Heat Assist Devices and Methods; Applicants: Mark Ortiz et al.

TO: Examiner Scott Getzow
 Group Art Unit 3762

FROM: Kevin G. Rooney

FAX RECEIVED

FAX NO.: 703-872-9303

TOTAL PAGES: 21
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MESSAGE/COMMENTS**OFFICIAL**

PLEASE DELIVER TO EXAMINER GETZOW IMMEDIATELY

Enclosure: Letter (2 pgs.) including Copy of Second Status Inquiry including date stamped postcard receipt; Copy of Status Inquiry including date stamped postcard receipt; Copy of Amendment Transmittal and Amendment and Response to Restriction Requirement including date stamped postcard receipt

PATENT

I hereby certify that this correspondence is being transmitted via facsimile to Examiner Scott M. Getzow in Group Art Unit 3762 (Fax No. 703-872-9303) on July 9, 2003

Kevin G. Rooney Reg. No. 36,330
7/9/03
Date

Applicants: Mark Ortiz et al.
Serial No: 09/677,981
Filing Date: October 3, 2000
Art Unit: 3762
Examiner: Scott M. Getzow
Confirmation No.: 7667
Title: IMPLANTABLE HEART ASSIST DEVICES AND METHODS
Atty Docket: SPEN-08

Cincinnati, OH

July 9, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Dear Sir:

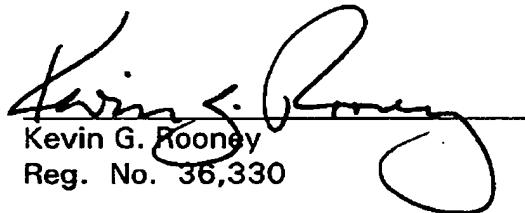
Following up on the Examiner's telephone call yesterday, apparently the PTO file for the above-identified application does not have the Amendment and Response to Restriction Requirement filed February 25, 2002, or the two separate Status Inquiries filed October 21, 2002 and February 13, 2003. Therefore, each of these three documents is attached hereto along

with copies of the postcards showing that each was received by the PTO.

Applicants respectfully request early attention to this application.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Kevin G. Rooney
Reg. No. 36,330

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H7
B. Webb
3/16/03

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on February 13, 2003

Kevin G. Rooney
Kevin G. Rooney, Reg. No. 36,330

2/13/03
Date

Applicants: Mark Ortiz et al.
 Serial No: 09/677,981
 Filing Date: October 3, 2000
 Art Unit: 3762
 Examiner: Scott M. Getzow
 Title: IMPLANTABLE HEART ASSIST DEVICES AND METHODS
 Atty Docket: SPEN-08

Cincinnati, OH

February 13, 2003

Assistant Commissioner for Patents
 Washington, D.C. 20231

SECOND STATUS INQUIRY

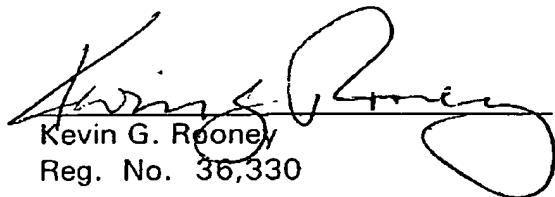
Dear Sir:

Following up on the first status inquiry filed on October 21, 2002, be advised that we have not received any Action in the above-identified application since the Amendment and Response to Restriction Requirement filed on February 25, 2002. We are concerned with the possibility that an Office Action was issued and possibly misplaced or lost in the mail. Kindly check your files and let us know the status of this case. If any Action has

been issued, we would appreciate it very much if you would send us a copy, or advise when we can expect to receive an Action.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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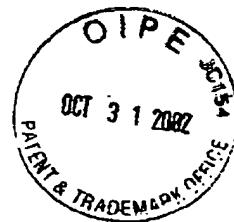
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Applicants: Mark Ortiz et al.
Serial No.: 09/677,981
-Filed: October 3, 2000
For: Implantable Heart Assist Devices and Methods

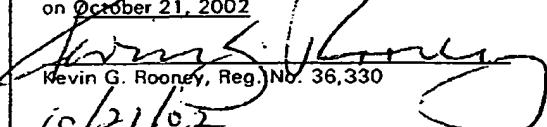
Enclosures: Status Inquiry; Certificate of Mailing; and return postcard

Kevin G. Rooney, Esq. (36,330)
Wood, Herron & Evans, L.L.P.
Dated: October 21, 2002



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Kevin G. Rooney, Reg. No. 36,330

10/21/02
Date

Applicants: Mark Ortiz et al.
Serial No: 09/677,981
Filing Date: October 3, 2000
Art Unit: 3762
Examiner: Scott M. Getzow
Title: IMPLANTABLE HEART ASSIST DEVICES AND METHODS
Atty Docket: SPEN-08

Cincinnati, OH

October 21, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

STATUS INQUIRY

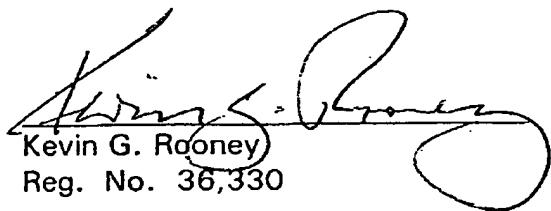
Dear Sir:

In checking our files, we find that we have not received any Action in the above-identified application since the filing date of October 3, 2000. We are concerned with the possibility that an Office Action was issued and possibly misplaced or lost in the mail. Kindly check your files and let us know the status of this case. If any Action has been issued, we would

appreciate it very much if you would send us a copy, or advise when we can expect to receive an Action.

Respectfully submitted,

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